

982.0035USU



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/886,414      | 06/21/2001  | Rosa Maria Gomez     | 60011320-1          | 5748             |

7590 11/08/2002  
 HEWLETT-PACKARD COMPANY  
 Intellectual Property Administration  
 P.O. Box 272400  
 Fort Collins, CO 80527-2400

**RECEIVED**

NOV 12 2002

HP LEGAL  
IPA

EXAMINER

MOUTTET, BLAISE L

ART UNIT PAPER NUMBER

2853

DATE MAILED: 11/08/2002

#6

*py*  
*100*  
*Ohlandt Greeley*

Please find below and/or attached an Office communication concerning this application or proceeding.

US ACTION

DUE DATE *08 Jan / 08 Feb / 08 May*

Paper Dated

OA Final ☒

Msg. Pt. Dwgs

Appeal Issue Fee

Other

2003

*original*  
*express*  
*mailed to*

*Ohlandt Greeley*  
*Nov 13, 2002*

**RECEIVED**

NOV 13 2002

*Ohlandt Greeley*  
 RUGGIERO & PERLE, LLP

**Office Action Summary**

Application No.

09/886,414

Applicant(s)

GOMEZ ET AL.

Examiner

Blaise L. Mouttet

Art Unit

2853

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  
 Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The specification should be amended to refer to the US patent application of co-pending applications number rather than the attorney docket number as on page 9, lines 22-26 (if this information is not yet available an amendment to the specification should be provided as soon as the information becomes available).

Appropriate correction is required.

### ***Claim Objections***

2. Applicant's amendment entered October 23, 2002 has overcome the claim objection of the prior office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6-9, 12, 14, 16, 17, 19-21, 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada et al. US 5,596,353.

Takada et al. discloses, regarding claim 1, a method of servicing a pen (1001 as shown in figure 1) in an inkjet printing device (figure 1), said method comprising:

receiving a print job (via the computer or image reader as described in column 17, lines 26-31);

determining a level of print quality required for the print job (the level of print quality corresponds to the reference density as described in column 12, lines 58-63);

determining the operating characteristics of a plurality of nozzles to be used to print the print job (this is performed by the image density reading means 1014 which reads the image density of the image printed by the pen nozzles to determine if an appropriate density is being printed by the nozzles as described in column 12, lines 51-67); and

printing the print job when the print density of the nozzles are corrected to be sufficient to print the desired quality level (column 12, lines 51-67, column 13, lines 43-46, figure 31, S26-S28).

Takada et al. discloses, regarding claim 14, a processor (1101) and an ink drop detector (1014), as shown in figure 1, for carrying out the method of claim 1.

Regarding claims 3, 4, 16 and 17, the reference print quality level is subject to setting a reference printmode (the printmode is being interpreted as the reference density which is changed by the user in accordance with a desired image as described in column 12, lines 58-63).

Regarding claim 6, see column 13, lines 43-46 in which Takada et al. discloses testing the density produced from the drops ejected by plural nozzles.

Application/Control Number: 09/886,414

Page 4

Art Unit: 2853

Regarding claim 7-9, 12, 19-21 and 24, a maintenance procedure comprising capping, purging and wiping the nozzles is carried out to repair any non-functioning nozzles when the inkjet printer is idle (column 22, lines 13-29).

Regarding claim 26, Takada et al. teaches performing the step of printing without performing the maintenance operations (column 22, lines 30-34).

Regarding claim 27, the step of determining is capable of determining that the print job and another print job has the same or different levels of print quality since each print job is analyzed as to whether it corresponds to a predetermined print quality range (column 12, lines 58-63).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Application/Control Number: 09/886,414

Page 5

Art Unit: 2853

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 2, 5, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. US 5,596,353 in view of Pocket Guide to Digital Printing by Frank Cost.

Takada et al. fails to disclose that the print quality level is determined based on a resolution of the print job or an amount of media area required for the print job.

Cost discloses in pages 16-18 that resolution of a print job and the image size of a print job (i.e. if the printed matter is intended for a billboard or large format poster) are key indicators of print quality.

It would have been obvious for a person of ordinary skill in the art at the time of the invention to determine the print quality level taught by Takada et al. from the resolution and media area of the print job as suggested by Cost.

The motivation for doing so would have been to achieve a print quality appropriate for the visual threshold of the user given the type of print job as taught by Cost.

5. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. US 5,596,353 in view of Gast et al. US 5,583,547.

Takada et al. discloses performing a wiping operation for the nozzles (column 22, line 21).

Takada et al. fails to disclose performing the wiping procedure in the event that a predetermined number of ink drops per nozzle has been exceeded.

Gast et al. teaches performing a wiping procedure for inkjet nozzles in the event that a predetermined number of ink drops per nozzle has been exceeded (column 4, line 63 - column 5, line 4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to performing the wiping procedure of Takada et al. in the event that a predetermined number of ink drops per nozzle has been exceeded as taught by Gast et al.

The motivation for doing so would have been in order to automatically determine appropriate cleaning intervals without user intervention as taught by column 2, lines 2-5 of Gast et al.

6. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. US 5,596,353 in view of Fukazawa et al. US 5,398,054.

Takada et al. discloses performing a wiping operation for the nozzles (column 22, line 21).

Takada et al. fails to disclose performing the wiping procedure in the event that the inkjet printing device remains idle for a period of time.

Fukazawa et al. teaches performing a wiping procedure for inkjet nozzles in the event that the inkjet printing device remains idle for a period of time (column 6, line 60 - column 7, line 8, claim 2).

Application/Control Number: 09/886,414  
Art Unit: 2853

Page 7

It would have been obvious to a person of ordinary skill in the art at the time of the invention to performing the wiping procedure of Takada et al. in the event that the inkjet printing device remains idle for a period of time as taught by Fukazawa et al.

The motivation for doing so would have been in order to automatically determine appropriate cleaning intervals without user intervention as taught by column 3, lines 47-58 of Fukazawa et al.

7. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. US 5,596,353 in view of Stewart et al. US 5,455,608.

Takada et al. discloses performing a sequence of different servicing procedures (i.e. capping, spitting, wiping as disclosed in column 22, lines 13-29).

Takada et al. fails to disclose that one of the procedures is repeatedly performed based on recovery effectiveness.

Stewart et al. discloses repeated spitting of inkjet nozzles based on recovery effectiveness (see abstract).

It would have been obvious to a person of ordinary skill in the art to repeatedly perform the spitting procedure of Takada et al. as taught by Stewart et al.

The motivation for doing so would have been to provide adequate recovery of all the nozzles as taught by column 1, lines 46-51 of Stewart et al.



Application/Control Number: 09/886,414  
Art Unit: 2853

Page 8

*R s p n s   t o   A r g u m e n t s*

8. Applicant's arguments filed October 23, 2002 have been fully considered but they are not persuasive.

The applicant has argued, regarding the 35 USC 102 rejections utilizing Takada et al. US 5,596,353, that

a) Takada fails to disclose the step of detecting the operating characteristics of a plurality of nozzles and instead detects the image of a test pattern.

b) Takada fails to disclose the step of printing the print job in the event that the operating characteristics of the nozzles are sufficient to meet the print quality.

c) Takada fails to disclose an ink drop detector and instead the cited detector reads a test pattern.

d) Takada fails to disclose a "printmode" as described by applicant's specification.

e) Takada fails to teach scheduling a maintenance procedure and instead teaches performing a service procedure.

f) Takada fails to teach performing the servicing procedure in the event that the operating characteristics of the nozzles are not sufficient to meet the level of print quality required.

g) The applicant has argued that the proposed combinations made by the examiners in the 35 USC 103 rejections were improper due to the above noted faults in Takada.

Application/Control Number: 09/886,414

Page 9

Art Unit: 2853

h) The applicant has argued that Fukazawa et al. US 5,398,054 fails to provide the feature of performing a wiping procedure on said pen in the event that the inkjet remains idle for a period of time and instead teaches scheduling the maintenance at times without the attention of the user.

The examiner disagrees.

In response to applicant's first and third points it is noted that applicant's specification extends the scope of the detecting step and the detector as claimed to include a "print on media and scan" type drop detector identical to the type disclosed by Takada et al. (see page 9, lines 27-29 of applicant's specification). Therefore the detector and the detection step of Takada et al. is clearly within the scope of the claim presented by applicant.

In response to applicant's second point the apparatus and method of Takada et al. utilizes the drop detector to detect the operating characteristics of the nozzles relative to a desired level of print quality and performs a correction if the operating characteristics of the nozzles is lower than desired (see column 12, lines 51-63 of Takada et al.) If it is determined no correction is necessary the ink jet printer will proceed to print the print job as indicated in figure 21<sup>31</sup>, S26-S28.

In response to applicant's fourth point the applicant is reminded that the examiner must read the applicant's claims in light of the specification without reading the limitations of the specification into the claims (see MPEP 2111). Although the applicant's written description gives an example of print modes including a multipass

Application/Control Number: 09/886,414

Page 10

Art Unit: 2853

print mode there was no indication in applicant's specification that the type of print mode claimed was limited to this type.

In response to applicant's fifth point the examiner fails to see what the distinguishing feature is between scheduling a maintenance procedure and performing a service procedure. Since Takada et al. teaches performing a service procedure this service procedure will inherently be performed at some predetermined point in time (i.e. either before or after printing, at the turn on of the printer, etc.).

In response to applicant's sixth point the examiner notes that the servicing procedure is part of the ejection stabilization procedure to correct malfunctions of the operating characteristics of the nozzles (see column 22, lines 13-29 of Takada et al.)

In response to applicant's seventh point the examiner maintains that Takada et al. discloses that claimed features required as noted above and the proposed combinations presented by the examiner fully meet the requirements of Graham V. Deere.

In response to applicant's eighth point the examiner notes that it is the timing mechanism which measures the off time or idle time before the wiping procedure that allows the maintenance without the attention of the user (see column 6, line 6-column 7, line 8 and claim 2 of Fukazawa et al.)

The examiner concludes that the applicant's arguments are without merit and the applied rejection is maintained.

New claims 26 and 27 presented by the applicant have necessitated new grounds of rejections for these claims.

Application/Control Number: 09/886,414

Page 11

Art Unit: 2853

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. Art Unit 2853, can be reached on (703) 308-3126. The

Application/Control Number: 09/886,414

Page 12


Art Unit: 2853

fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet November 4, 2002

Bm 11/4/2002

  
JUDY NGUYEN  
PRIMARY EXAMINER